

Appendix J

Land Use Policy Consistency Analysis

Plan Policy	Consistency Analysis	Proposed Project Consistent With Policy?
<i>Marin Countywide Plan</i>		
Policy EQ-2.42: Wildlife and Aquatic Habitats.	Implementation of the proposed wetland restoration project ¹ would result in tidal wetland, other tidal habitats, seasonal wetland, and upland habitats. The proposed wetland restoration project would also preserve and enhance the diversity of wildlife and aquatic habitats.	Yes
Policy EQ-2.43: Development and Access Limitations in Bayfront Conservation Areas. <i>Program EQ-2.43a: Wetland Impact Mitigation.</i> <i>Program EQ-2.43b: Reduce Impacts to Wetlands.</i> <i>Program EQ-2.43c: Criteria for Evaluating Projects.</i> <i>Program EQ-2.43d: Establish Criteria for Buffer Zones.</i>	The proposed wetland restoration project is not a development project as defined by the Marin County Community Development Agency. Further, public access features have been relocated to the perimeter of the site. In addition, buffer areas occur between developed areas and restoration areas. The project includes a balance of activities (i.e., increase in subtidal aquatic habitat, short term loss and long term increase in intertidal mudflats, reduced access to freshwater habitat for salmonids, temporary construction impacts to fish) that will generally contribute to the improved condition of the Bay and its fisheries and fish habitats. Existing agricultural and seasonal wetlands will be replaced with seasonal wetlands and tidal wetlands, as described in Chapter 3.	Yes
Policy EQ-2.44: Tidelands Subzone.	The proposed wetland restoration project will create new areas subject to tidal action and will not eliminate any current areas.	Yes
Policy EQ-2.45: Diked Historic Marshlands Subzone.	Alternative 1 and Revised Alternative 2 (Preferred Alternative) would require the placement of dredged material and all three alternatives would include construction of levees on the BMKV site. While these activities might be considered “fill”, these activities are proposed in the overall purpose of enhancing the wildlife and aquatic habitat value of the BMKV site and in implementing the overall site design.	Yes

¹ “proposed wetland restoration project” refers to all the Alternatives evaluated in the SEIR/S.

Plan Policy	Consistency Analysis	Proposed Project Consistent With Policy?
Policy EQ-2.46: Freshwater Habitats.	Pacheco Pond is a freshwater habitat that will be retained and enlarged as a result of the project.	Yes
Policy EQ-2.47: Use of Flood Barriers for Seasonal Habitat.	The seasonal wetland that is separated from the rest of the tidal marsh is intended to provide some flood control/habitat use.	Yes
Policy EQ-2.48: Transfer of Development Rights.	The project is a restoration project and no transfer of development rights are included as part of the project	NA
Policy EQ-2.49: Planned District Development Review with Environmental Assessment.	This SEIR/EIS constitutes an environmental assessment that the County can use to evaluate the proposed wetland restoration project against; however since the project is not considered “development” by CDA staff, the policy would not strictly apply.	Yes
Policy EQ-2.50: Coordination with Trustee Agencies within Bayfront Conservation Areas. <i>Program EQ-2.50a: Early Consultation with Other Agencies.</i>	The DFG, USFWS, USACE, EPA, RWQCB, and BCDC have all been consulted during the course of this project. The Conservancy and the Corps are the lead agencies.	Yes
Policy EQ-2.51: Minimal Impacts Within Bayfront Conservation Zone.	No significant impacts have been identified with regard to earth disturbance. The most substantial issue related to this policy is the potential for degradation of surface water and sediment quality due to increased methylmercury formation potential. This effect is identified as significant and unavoidable. The <i>Water Quality</i> section in <i>Chapter 4</i> describes this impact in detail.	No
Policy EQ-2.52: Disruption to Runoff and Stream Flow.	Novato Creek salinity level changes are considered less than significant. Potential circulation changes in Pacheco Pond would be addressed with a water management plan since there is the potential for diminished water quality.	Yes
Policy EQ-2.53: Siting of Industrial Facilities.	Implementation of the proposed wetland restoration project does not include any development of industrial facilities	Yes

Plan Policy	Consistency Analysis	Proposed Project Consistent With Policy?
Policy EQ-2.54: Tides and Currents.	The tidal hydraulics analysis presented in Chapter 4 does not identify any significant adverse impacts on tides and currents. The analysis does present a potential for a beneficial increase in dissolved oxygen concentrations in receiving waters.	Yes
Policy EQ-2.54: Bay Fill.	Creation of the wetland habitat will occur by placement of dredged material on the BMKV site. Use of the dredged material to create the habitat mix will enhance the current habitat on the BMKV site. The project would not retard currents, increases the deposition of sediments (except on the site to create marsh features), or cause erosion or pollution.	Yes
Policy EQ-2.56: Waste Discharge.	There will be no operational waste discharge as part of the project. Runoff during construction would be conducted in accordance with WDRs from the SF RWQCB.	Yes
Policy EQ-2.57: Basin Plan.	The proposed wetland restoration project will enhance existing habitat and natural resources on the project site.	Yes
Policy EQ-2.58: Protection of Existing Agricultural Lands.	The agricultural land at the BMKV parcel is not designated prime farmland, unique farmland, or farmland of statewide importance, is a small portion of available Marin County agricultural land, and has not produced substantial crops to support the local agriculture economy. While agricultural land can be compatible with wildlife habitat, the proposed wetland restoration would provide a significant enhancement of the wetland and aquatic habitat of the site compared to the existing setting. Because the project is not considered “development” by the County CDA staff, this policy does not apply.	NA
Policy EQ-2.59: Natural Vegetation.	The proposed wetland restoration is not an agricultural project.	Yes
Policy EQ-2-60: Pesticides, Insecticides and Similar Materials.	The project design and implementation will be coordinated with the Marin-Sonoma Mosquito and Vector Control District and would result in reduction of mosquito habitat compared to existing setting. See Mitigation PH-1.	Yes

Plan Policy	Consistency Analysis	Proposed Project Consistent With Policy?
Policy EQ-2-61: Consistency with Environmental Hazards Element.	The proposed wetland restoration project does not propose development.. Compliance with hazardous waste regulations is described in detail in the <i>Hazardous Substances and Waste</i> section in <i>Chapter 4</i> of the SEIR/S.	Yes
Policy EQ-2-62: Areas Underlain by Deposits of Bay Muds.	The proposed wetland restoration project is for habitat purposes, which the MCP says is a preferred use for areas of bay mud.	Yes
Policy EQ-2.63: Sites with Poor Soils Conditions or Seismically Active.	The proposed wetland restoration project does not propose development.	Yes
Policy EQ-2.64: Land Uses in Floodplains.	The project is a habitat project not a flood control project. However, the project will reduce peak stage in Pacheco Pond and will play a role in routing overflow flood waters	Yes
Policy EQ-2.65: 100-year Floodplain.	Compliance with flood zoning to be determined by MCFCWCD under agreement with Conservancy.	TBD
Policy EQ-2.66: Use of Shoreline Areas.	Ecological considerations preclude the use of the shoreline for public access; however project provides for adjacent extension of Bay Trail which will facilitate shoreline views.	Yes
Policy EQ-2.67: Ensuring Public Access of Shoreline Areas.	The Revised Alternative 2 (Preferred Alternative) will not include a spur trail in part to avert present and future habitat conflicts. However, the project includes the Bay Trail between the restoration project and the residential community, thereby buffering biological resources and providing public access.	Yes
Policy EQ-2.68: Public Access Easements.	The proposed wetland restoration project includes a Bay Trail segment. No determination is made at this time regarding dedication of easements.	Yes
Policy EQ-2.69: Evaluation of New Public Access Areas.	The County has stated that the Bay Trail alignments for each of the alternatives are acceptable; the preferred alternative route for the Bay Trail is consistent with local planning.	Yes
Policy EQ-2.70: Siting and Design of Public Access.	The Bay Trail has been designed to minimize access impacts on resources and on the adjacent residential community	Yes

Plan Policy	Consistency Analysis	Proposed Project Consistent With Policy?
Policy EQ-2.71: Wildlife, Recreation, and Educational Uses.	The proposed wetland restoration project includes provisions for access and an interpretive center.	Yes
Policy A.1.1: Preservation of Agricultural Lands. Program A-1.1a: Land uses of Inland Rural and Coastal Recreation Corridors. Program A-1.1b: Very Low Density Agricultural Zoning. Program A-1.1c: Agricultural Zoning Study and Code Revisions. Program A-1.1d: Transfer of development Rights.	The proposed wetland restoration project does not propose development. Agricultural wetlands would be replaced by seasonal wetlands and other tidal habitats.	NA
Policy A-1.4: Development in Agricultural Areas. Program A-1.4a: Agricultural Zoning and Subdivision Regulations Division.	The proposed wetland restoration project does not propose development. Agricultural wetlands would be replaced by seasonal wetlands and other tidal habitats.	NA
Policy A-1.6: Agricultural Lands in the Bayfront Conservation Zone. Program A-1.6a: Identify Agricultural Lands in the Bayfront Conservation Zone.	The agricultural land at the BMKV parcel is not designated prime farmland, unique farmland, or farmland of statewide importance, is a small portion of available Marin County agricultural land, and has not produced substantial crops to support the local agriculture economy. While agricultural land can be compatible with wildlife habitat, the restoration alternatives would provide a significant enhancement of the wetland and aquatic habitat of the site compared to the existing setting.	NA
Policy A-1.7: Intensity of Agricultural Use. Program A-1.7a: Use of Reclaimed Water for Agriculture.	The project site is not suitable for agricultural preservation because it is not designated prime farmland, unique farmland, or farmland of statewide importance, is a small portion of available Marin County agricultural land, and has not produced substantial crops to support the local agriculture economy	NA

Plan Policy	Consistency Analysis	Proposed Project Consistent With Policy?
Policy A-1.8: Bayfront Conservation Zone (BFC). Program A-18a: Agricultural Land Mitigation Fund. Program A-1.8b: Maintenance of Production Capacity. Program A-1.8c: Use of Other Techniques to Preserve Agricultural Land.	The project site is not suitable for agricultural preservation because it is not designated prime farmland, unique farmland, or farmland of statewide importance, is a small portion of available Marin County agricultural land, and has not produced substantial crops to support the local agriculture economy	NA
<i>City of Novato General Plan</i>		
EN Policy 11 Bayland Overlay Zone.	The proposed wetland restoration project will enhance natural resources on the site.	Yes
EN Policy 12 Bayland Area Protection.	The Revised Alternative 2 (Preferred Alternative) Bay Trail has been routed to the eastern edge of Pacheco Pond. Additionally, the proposed wetland restoration is not considered development as defined by the Marin County Community Development Agency, and, on balance, would enhance biological resources on site compared to the existing conditions.	Yes
EN Policy 13 Views.	The reduced levee heights and re-locations will ensure that existing views of San Pablo Bay from adjacent land uses will not be significantly effected. The new levees will be at an initial height of 10 feet (settling to 8 feet). The new levee separating the tidal marsh area and the non-tidal area has been moved so that it is located at least 1,500 feet from the south lagoon levee. New extension of trail will enhance public access to views of area.	Yes
EN Policy 14 Tidal Areas.	The proposed wetland restoration project will add to the area subject to tidal action since it is a marsh restoration project.	Yes
EN Policy 16 Public Access and Water-oriented Uses.	The Revised Alternative 2 (Preferred Alternative), no longer includes a spur trail, however the Bay Trail will provide public access consistent with environmental considerations. The project restores tidal marsh and provides seasonal wetlands. The project does not include wastewater reclamation or flood control features.	Yes

Plan Policy	Consistency Analysis	Proposed Project Consistent With Policy?
EN Policy 50 Integrated Trails System.	The Revised Alternative 2 (Preferred Alternative), no longer includes a spur trail, however, it includes the Bay Trail routed around the eastside of Pacheco Pond, and the last portion around the Westside of Headquarters Hill.	Yes
<i>San Francisco Bay Plan</i>		
To the greatest extent feasible, the Bay marshes, mudflats, and water surface area and volume should be maintained and, whenever possible, increased. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources and beneficial uses. Bay water pollution should be avoided.	The proposed wetland restoration project proposes to increase the amount of tidal marsh habitat.	Yes
To assure the benefits of fish, other aquatic organisms and wildlife for future generations , to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.	The proposed wetland restoration project proposes to increase the amount of tidal marsh habitat.	Yes
In reviewing or approving habitat restoration programs the Commission should be guided by the recommendations in the Baylands Ecosystem Habitat Goals report and should, where appropriate, provide for a diversity of habitats to enhance opportunities for a variety of associated native aquatic and terrestrial plant and animal species.	The proposed wetland restoration project proposes to increase the amount of intertidal, subtidal and tidal marsh. Seasonal wetlands will also be created.	Yes
The surface area of the Bay and the total volume of water should be kept as large as possible in order to maximize active oxygen interchange, vigorous circulation, and effective tidal action. Filling and diking that reduce surface area and water volume should therefore be allowed only for purposes providing substantial public benefits and only if there is no reasonable alternative.	The proposed wetland restoration project proposes to increase the amount of tidal marsh habitat.	Yes

Plan Policy	Consistency Analysis	Proposed Project Consistent With Policy?
Where and whenever possible, former tidal marshes and tidal flats that have been diked from the Bay should be restored to tidal action in order to replace lost historic wetlands or should be managed to provide important Bay habitat functions, such as resting, foraging and breeding habitat for fish, other aquatic organisms and wildlife. As recommended in the Baylands Ecosystem Habitat Goals report, around 65,000 acres of areas diked from the Bay should be restored to tidal action. Further, local government land use and tax policies should not lead to the conversion of these restorable lands to uses that would preclude or deter potential restoration. The public should make every effort to acquire these lands from willing sellers for the purpose of restoration.	The site is currently diked for agricultural use. The project proposes to increase the amount of tidal marsh habitat.	Yes
To ensure adequate capacity for necessary Bay dredging projects and to protect Bay natural resources, acceptable non-tidal disposal sites should be secured and the Deep Ocean Disposal Site should be maintained. Further, dredging projects should maximize use of dredged material as a resource consistent with protecting and enhancing Bay natural resources, such as creating, enhancing, or restoring tidal and managed wetlands, creating and maintaining levees and dikes, providing cover and sealing material for sanitary landfills, and filling at approved construction sites.	Alternative 1 and Revised Alternative 2 (Preferred Alternative) would use dredge materials to create new habitat.	Yes
Public access should be integrated early in the planning and design of Bay habitat restoration projects to maximize public access opportunities and to avoid significant adverse effects on wildlife.	A spur trail has been eliminated from the Revised Alternative 2 (Preferred Alternative) for adverse effects. The bay trail has also been routed to reduce and minimize adverse effects, while providing for public access opportunities.	Yes